

IFW

Practitioner's Docket No. 2960/118

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Fitz et al.

Application No.: 10/752,438

Group No.: 3738

Filed: January 4, 2004

Examiner: Stewart, Jason-Dennis Neilken

For: Patient Selectable Knee Arthroplasty Devices

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT  
BEFORE MAILING DATE OF EITHER A FINAL ACTION  
OR NOTICE OF ALLOWANCE (37 C.F.R. § 1.97(c))

TIME OF TRANSMITTAL OF ACCOMPANYING  
INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in Section 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either

- (1) a final action under § 1.113 or  
(2) a notice of allowance under § 1.311

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"  
Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Date: November 13, 2009

Alexander J. Smolenski, Jr., Esq.  
(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

**FEE**

2. Accompanying this transmittal is the fee for submission of an information disclosure statement under section 1.97(c). (\$180.00)

**FEE PAYMENT**

3. Applicant elects the option to pay the fee set forth in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

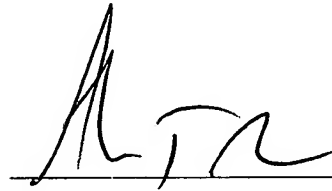
Fee due \$180.00

**METHOD OF PAYMENT OF FEE**

4. Authorization is hereby made to charge the amount of \$180.00 to Deposit Account No. 19-4972.

Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 19-4972.

DATE: November 13, 2009



Alexander J. Smolenski, Jr., Esq.  
Registration No. 47,953  
SUNSTEIN KANN MURPHY & TIMBERS LLP  
Customer Number 02101  
125 Summer Street  
Boston, MA 02110-1618  
US

02960/00118 1175735.1